

CELENTANO, STADTMAUER & WALENTOWICZ, LLP

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U.S. BANKRUPTCY COURT
FILED
TRENTON, NJ

10 FEB -5 AM 10:20

JAMES J. WALDRON

BY: 
DEPUTY CLERK

**UNITED STATE BANKRUPTCY COURT
District of New Jersey**

In the Matter Of:

RAYMOND PAUL BUCK, JR.
AND TINA MARIE BUCK,

Debtors.

CASE NO.: 09-25588/MBK

Chapter 7

Adv. No. 10-1009

RAYMOND PAUL BUCK, JR.,

Plaintiff,

vs.

MONMOUTH MEDICAL CENTER

Defendant.

**ANSWER & DEFENSES TO
ADVERSARY COMPLAINT**

Defendant, Monmouth Medical Center ("Monmouth"), located at 300 Second Avenue,
Long Branch, New Jersey 07740, by way of Answer to the Adversary Complaint says:

INTRODUCTION

1. Monmouth denies the allegations contained in this paragraph.
2. Monmouth denies the allegations contained in this paragraph.

JURISDICTION

3. Monmouth admits the allegations contained in this paragraph.
4. Monmouth admits the allegations contained in this paragraph.
5. Monmouth denies that the claim asserted is a core proceeding; Monmouth lacks sufficient knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph.

VENUE

6. Monmouth admits the allegations contained in this paragraph.

PARTIES

7. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.
8. Monmouth admits the allegations contained in this paragraph only to the extent that Monmouth is a division of and affiliated with the Saint Barnabas Health Care System and maintains a principal place of business located at 300 Second Avenue, Long Branch, New Jersey 07740 but it denies the remaining allegations contained in this paragraph.

BACKGROUND

9. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

10. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

11. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

12. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

13a-j. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs.

14. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

15a-I. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs.

16. Monmouth admits the allegations contained in this paragraph.

17. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

18. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

19. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph.

20a-c. Monmouth lacks sufficient knowledge to form a belief as to the truth of the allegations contained in these paragraphs.

21. Monmouth denies the allegations contained in this paragraph.

22. Monmouth denies the allegations contained in this paragraph.

23. Monmouth denies the allegations contained in this paragraph.

24. Monmouth denies the allegations contained in this paragraph.

25. Monmouth denies the allegations contained in this paragraph.

26. Monmouth denies the allegations contained in this paragraph.

27. Monmouth denies the allegations contained in this paragraph.

28. Monmouth denies the allegations contained in this paragraph.

29. Monmouth denies the allegations contained in this paragraph.

COUNT ONE

WILLFUL VIOLATION OF THE AUTOMATIC STAY

30. Monmouth repeats and realleges each and every response to the allegations contained in paragraphs one (1) through twenty-nine (29) of the Complaint as if set forth at length.

31. Monmouth denies the allegations contained in this paragraph.

32. Monmouth denies the allegations contained in this paragraph.

33. Monmouth denies the allegations contained in this paragraph.

COUNT TWO

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

34. Monmouth repeats and realleges each and every response to the allegations contained in paragraphs one (1) through thirty-three (33) of the Complaint as if set forth at length.

35. Monmouth denies the allegations contained in this paragraph.


36. Monmouth denies the allegations contained in this paragraph.

37. Monmouth denies the allegations contained in this paragraph.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
2. Monmouth's alleged conduct does not give rise to a claim for the negligent infliction of emotional distress.
3. Plaintiff could not have possibly suffered serious and/or severe emotional distress as a result of Monmouth's alleged conduct.
4. Monmouth's alleged conduct does not support a claim of punitive damages.
5. Monmouth did not willfully violate the discharge injunction.
6. Plaintiff has suffered no damages from Monmouth's alleged violation of the discharge injunction.
7. Monmouth's alleged violation of the discharge injunction was not done willfully or in bad faith.
8. Plaintiff's damages, if any, were caused by exceptional and extraordinary circumstances.
9. Plaintiff is not entitled to its reasonable legal fees and costs as a result of Monmouth's alleged conduct.

CELENTANO, STADTMAUER & WALENTOWICZ, LLP
Attorneys for Defendant

By: 
STEVEN STADTMAUER

DATED: February 4, 2010

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February 4, 2010

VIA FEDERAL EXPRESS

Clerk, United States Bankruptcy Court
U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**RE: Raymond Paul Buck, Jr. and Tina Marie Buck v.
Monmouth Medical Center
Chapter 7 Case No.: 09-25588-MBK
Adv. No.: 10-1009**

Dear Sir/Madam:

This firm represents Defendant Monmouth Medical Center. Enclosed herewith for filing please find a Certification of Non-Compliance regarding case management/electronic case filing ("CM/ECF") in connection with the above-referenced matter together with a CD containing a "PDF" copy of our client's Answer to the above referenced Adversary Proceeding Complaint.

Thank you.

Very truly yours,

CELENTANO, STADTMAUER & WALENTOWICZ, LLP



Steven Stadtmauer

Enclosure

cc: Lee D. Gottesman, Esq. (Via Federal Express; w/encl.)